

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TIME WARNER CABLE INC.,)
)
Plaintiff,)
) C.A. No. 06-387-KAJ
v.)
)
USA VIDEO TECHNOLOGY CORP.,)
)
Defendant.)
)

)

**DECLARATION OF ANDREW T. BLOCK IN OPPOSITION TO USA VIDEO
TECHNOLOGY CORPORATION'S MOTION TO DISMISS, STAY OR TRANSFER**

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Dated: September 11, 2006

I, Andrew T. Block, hereby declare and state as follows:

1. Unless otherwise stated, I have personal knowledge of the facts stated herein and if called to testify, I could and would be able to testify to the statements made herein.

2. I am Vice President and Chief Counsel, IP, of Time Warner Cable Inc. (hereafter "TWC"). I have personal knowledge of the corporate structure and operations of TWC. I have been an attorney with TWC since September 2001.

3. TWC is a Delaware corporation having its corporate headquarters at 290 Harbor Drive, Stamford, Connecticut. TWC also has significant corporate operations in Charlotte, North Carolina; Herndon, Virginia; and Westminster, Colorado. TWC's has a corporate marketing function located in Stamford, and its corporate finance function is located in both Stamford and Charlotte. Additionally, TWC's corporate research and development and engineering groups are located in Charlotte and in Westminster. Substantially all of the personnel and documents relating to each of those corporate functions are located in the respective locations where the function is located. Each of the TWC divisions also has marketing, finance and engineering personnel as well.

4. TWC is a separate and distinct corporate entity from Time Warner Inc. and is not a wholly-owned subsidiary of Time Warner Inc.

5. None of the senior executive officers of TWC responsible for the management of TWC's business operation are officers or directors of Time Warner Inc. None of the directors of TWC are directors of Time Warner Inc.

6. Based on the attached letter (Exhibit A), I understand that USA Video asserted in December 2000 that TWC "may require a license from USA Video" for U.S. Patent No. 5,130,792 (hereafter the "'792 patent") and that the '792 patent allegedly covers "a system and

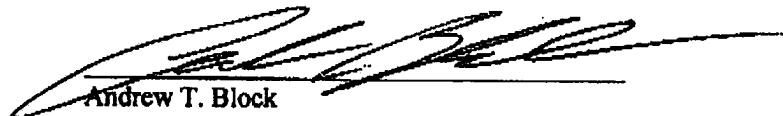
method for electronically transferring video programs on demand from a central location to a remote location over standard commercial telephone networks, including fiber optics."

7. Prior to June of 2006 and since December 2000, to my knowledge USA Video did not further pursue its assertion that TWC somehow infringes the '792 patent.

8. Since 2000, TWC has continued to provide On-Demand services to its customers through its cable systems.

I declare under penalty of perjury that to the best of my knowledge, information and belief, the foregoing statements are true and correct.

Executed this 5th day of September, 2006 in San Jose, CA.



Andrew T. Block

CERTIFICATE OF SERVICE

I hereby certify that on the 11^h day of September, 2006, the attached **DECLARATION OF ANDREW T. BLOCK IN OPPOSITION TO USA VIDEO TECHNOLOGY CORPORATION'S MOTION TO DISMISS, STAY OR TRANSFER** was served upon the below-named counsel of record at the addresses and in the manner indicated:

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HAND DELIVERY

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VIA FEDERAL EXPRESS

/s/ John G. Day

John G. Day

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